



MICHIGAN LICENSED BEVERAGE ASSOCIATION®

Retailers dedicated to the responsible sale and service of beverage alcohol

Memo

To: Members of House Committee on Regulatory Reform
From: Lance Binoniemi, Director of Government Affairs
Date: May 15, 2007
Re: House Bill 4684

Representative Frank Accavitti has introduced House Bill 4684 which amends the Michigan Liquor Control Code and will be taken up in Regulatory Reform Committee on Tuesday May 15, 2007.

The purpose of this legislation is to address inconsistencies in the Michigan Liquor Control Code which business owners with liquor licenses are required to adhere to. Under the Insurance Code that regulates businesses that operate with liquor licenses there is a clear definition of what constitutes a visibly intoxicated individual. However, under the Michigan Liquor Control Code this definition is vague and unjust. This level of vagueness along with the Michigan Liquor Control Commission hearing process has cost business owners thousands of dollars in legal fees to prove their innocence.

This legislation would simply add the word **visibly** into the Liquor Control Code in terms of sections that deal with intoxicated individuals. It is illegal for an establishment that serves alcoholic beverages to have a **visibly** intoxicated individual in their establishment, and also illegal for them to serve the **visibly** intoxicated individual alcohol. If the word visibly was added to the Michigan Liquor Control Code as it is under the Insurance Code there would be more clarity for servers, managers and owners.

Representative Accavitti's legislation would merely change in statute some sections in the Liquor Control Code to make them consistent with others aspects of the law that regulate businesses that operate with a liquor license.

Thank you for your consideration



State of Michigan
Department of Labor and Economic Growth
LIQUOR CONTROL COMMISSION
7150 Harris Drive
P.O. Box 30005
Lansing, Michigan 48909-7505

Complaint No.
Business ID No.

F-2

In Re:

Date: December 20, 2006

COMPLAINT

This Complaint alleges that on December 1, 2006, the licensee or the licensee's agent, clerk or employee:

1. sold or furnished alcoholic liquor to _____ who was in an intoxicated or visibly intoxicated condition, contrary to Sections 801(2) and/or Section 1025(3) of the Michigan Liquor Control Code, MCL 436.1801(2) and/or MCL 436.2025(3).
2. allowed _____ who was in an intoxicated condition, to consume alcoholic liquor upon the licensed premises, contrary to Rule 436.1005(2).
3. allowed _____ who was in an intoxicated condition, to frequent or loiter upon the licensed premises, contrary to Rule 436.1005(4).

Wherefore, it is requested that a hearing be conducted, and a decision made in accordance with section 903 of the Michigan Liquor Control Code being MCL 436.1903, and the Commission's Rules.

List of Witnesses:

LIQUOR CONTROL COMMISSION
LICENSING AND ENFORCEMENT DIVISION

By *Danell J. Bragdon*

ACKNOWLEDGMENTS

This complaint was drafted pursuant to a written Violation Report or other information which was submitted to the enforcement arm of the Commission. A copy of the Violation Report or other information is being furnished to you along with this Complaint. The licensee may waive a hearing and acknowledge the facts pursuant to this Report.

SEE REVERSE SIDE FOR WAIVER OF HEARING AND ACKNOWLEDGMENT FORM